



DEFENSE LOGISTICS AGENCY
DEFENSE SUPPLY CENTER RICHMOND
8000 JEFFERSON DAVIS HIGHWAY
RICHMOND, VIRGINIA 23297-5100

IN REPLY
REFER TO DSCR-K

AUG 12 2004

Mr. David Posek
President
Lockheed Martin Aircraft & Logistics Centers
Lockheed Martin Corporation
107 Frederick Street
Greenville, South Carolina 29607

Dear Mr. Posek:

The Defense Supply Center Richmond (DSCR), a field activity of the Defense Logistics Agency, has received complaints from small businesses regarding recent commercial literature issued by Lockheed Martin describing Lockheed Martin's Technical Data Services Program (TDS). The literature describes both a process by which Lockheed Martin will license certain technical data for U.S. Government solicitations for C-130, C-141, and C-5 spare parts, and a process by which Lockheed Martin will challenge certain awards when the award is made to a firm that has not entered into a license agreement with Lockheed Martin. Of concern to DSCR is a statement in the commercial literature that the U.S. Government supports this program.

The statements in Lockheed Martin's commercial literature may unfairly lead firms to believe that firms must have an agreement with Lockheed Martin before they can submit an offer for a non-1G or 2G coded U.S. Government procurement opportunity. Under the Competition in Contracting Act, DSCR is required to take affirmative action to enhance competition for procurement opportunities. Concurrent with that obligation is the obligation to fairly evaluate alternate offers. Although DSCR would encourage any efforts by Lockheed Martin to license technical data to further increase competition for C-130, C-141, and C-5 spare parts, such an agreement is not a prerequisite for a firm to respond to a U.S. Government procurement opportunity. DSCR is posting this letter on its website to notify our vendor community that firms may submit offers on DSCR procurements in accordance with the terms of our solicitations, and that participation in the Lockheed Martin TDS program will not influence our award decisions.

Sincerely,


Richard J. Bailey
Acting Commander

